



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

AUGUST 12, 2019

9:30

Calendar No. 19-159:

10101 Woodland Ave.

Ward 6

Blaine A. Griffin

State of Ohio (Forf) Case # BR 12005687 and City of Cleveland propose to perform rock crushing on a property located in a B1 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.572 which states that "Rock Crushing" means any activity that uses mechanical processes to break down rock into gravel or other small particulate matter. Rock means any man-made or naturally formed consolidated or coherent and relatively hard mass of material including but not limited to stone, concrete, cement, asphalt, conglomerate or any similar material.
2. Section 345.04(b)(15) which states that Crushing is prohibited as the main or primary use it is permitted only as accessory or incidental to a permitted use and only if approved by the Board of Zoning Appeals through a Special Permit granted in accordance with the standards of this section. In evaluating applications for Special Permits required by division (b) of this section, the Board of Zoning Appeals shall act to ensure that the proposed use or development does not adversely impact other properties and the uses located on those properties. In its evaluation of potentially adverse impacts, the Board shall consider, among others, the following factors:
 - A. The degree to which dust, smoke, cinders, heat, flares, odor, fumes, gases, radioactive materials, glare, noise, vibration and other potentially harmful emissions or externalities are effectively confined to the premises of the proposed use.
 - B. The nature and proximity of nearby uses with respect to their vulnerability to the off-site impacts of the proposed use;
 - C. The extent to which impacts of the proposed use are comparable to the impacts typically associated with the uses permitted in the General Industry District without the requirement for issuance of a Special Permit.
 - D. Hours of operation of the proposed use.
 - E. Hazards associated with combust, flammable or explosive materials on the property of the proposed use;
 - F. The potential for adverse impacts to streams, rivers and lakes; and
 - G. Potentially mitigating effects of landscaping, buffering, or topographical features.

9:30

Calendar No. 19-161:

1303 West 65 Street

Ward 15

Matt Zone

II Rione, LLC., owner, proposes to add a new 540 square foot dining area and a 1,140 square foot patio to existing non-conforming restaurant in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that restaurant use is not permitted in a Two Family Residence District; expansion of existing non-conforming use is not permitted except as a zoning variance per section 359.01(a)
2. Section 349.04(f) which states that restaurant use requires accessory off-street parking at the rate of one space for each employee, plus one for each 100 square feet of area devoted to patron use.
3. Section 352.07(2)(B) which states that determination and approval of the Board of Zoning Appeals is required for an expansion of use that is non-conforming in landscaping: use is non-conforming in the absence of a required 8 foot wide landscaped transition strip where use abuts two family residential district. (June 28, 2019)

9:30

Calendar No. 19-163:

7008 Clinton Ave.

Ward 15

Matt Zone

Tom and Madalyn McIntyre, owners, propose to install 40 linear feet of 8 foot high wooden fence in the rear yard of a house located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 358.04(a) which states that fences in the rear yard of a residential district may not exceed 6 feet in height and an 8 foot fence is proposed. (Filed July 2, 2019)

9:30

Calendar No. 19-165:

12716 Buckeye Road

Ward 4

Kenneth L. Johnson

Nabil Zayed, owner, proposes to establish use as a restaurant in a C2 Residence Office District. The owner appeals for relief from the strict application of Section 337.10 of the Cleveland Codified Ordinances which states that Restaurant use is not permitted in Residence-Office zoning district. (July 02, 2019)

9:30

Calendar No. 19-169:

1372 W. 58 Street

Ward 15

Matt Zone

Jennifer Koperdak & Dereck Boehm, owners, proposes to erect a 19' x 56' two story single family residence with a detached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that an accessory garage shall not be less than 10' from a main building on an adjacent lot; the appellant is proposing 4.5 feet.
2. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size 1,620 square feet the appellant is proposing 1,989 square feet.
3. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' from main building on adjoining lot; the appellant is proposing 7' and 9'-9".
4. Section 357.09(b)(2)(B) which states that the required Interior Side Yard is 6.22' and the appellant is proposing 2'.
5. Section 357.09(b)(4) which states that open front porches shall not be less than 10' from property line; the appellant is proposing 4.6'. This section also states that an open balcony shall not project more than 3'; proposing 6'
6. Section 341.02 (b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 10, 2019)

9:30

Calendar No. 19-171:

3294 Denison Avenue

Ward 14

Jasmine Santana

AnhQuynh T. Dinh, owner, proposes to install a new 5 foot tall ornamental fence in the actual front and side street yard of a property located in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 358.05(a)(2) which states that a fence in the actual front yard and side street yards in Local Retail Business District shall not exceed 4 feet in height, and a 5 foot tall fence is proposed in actual front and side street yard. (Filed July 10, 2019)

9:30

Calendar No. 19-172:

3815 Clark Ave.

Ward 14

Jasmine Santana

Lorna Van Handel, owner, proposes to add new 5,294 square foot storage building to existing storage business in a C2 Semi-Industry District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 348.04(d)(1)(A) which states that the maximum setback of new buildings in Urban Form Overlay District is 8 feet: the proposed new building is set back approx. 180 square feet
2. Section 348.04(d)(2)(A) which states that the Urban Form Overlay District requires a minimum of 80% buildout on principle street frontage; the proposed buildout along principle street frontage is less than 50% with proposed new building also not along principle street frontage.
3. Section 348.04(d)(3) which states that the new building is required to have glazing along 75% of frontage between 3 and 8 feet; the proposed building not on principle street frontage and does not contain required glazing.
4. Section 341.02 which states that the approval of the City Planning Commission. is required. (Filed July 11, 2019)

9:30

Calendar No. 19-174:

308 E. 151 Street

Ward 8

Michael Polensek

Kristian Sokolova, owner, to add 200 square feet to existing 880 square foot garage on a 6,080 square foot lot in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23 (a)(6)(A) which states that in a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area. In this case the maximum allowed square footage is 756; and 1,006 square feet are proposed.
2. Section 337.23 (a) which states that an accessory building shall be located a minimum of 18' from all property lines and at least ten feet from main building on an adjoining lot. The proposed and existing garage distance to the property line is unknown.
3. Section 359.01 (a) which states that a use of building or land lawfully existing on the effective date of this Zoning Code or of any amendment or supplement thereto, or for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of this Zoning Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Expansion of existing nonconforming building and uses, per section 337.23 (b), accessory use (garage) is not permitted prior to erection of a main building. (Filed July 16, 2019)

9:30

Calendar No. 19-175:

1944 West 32 Street

Ward 3

Kerry McCormack

St. Ignatius High School, owner, proposes to convert building to school in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.02 which states that a public or private school is permitted in a one or two family residential district if located not less than thirty (30) feet from any adjoin premises in a residence District, and subject to the review and approval of the Board of Zoning Appeals. Such review consists of public notice and public hearing, a determination if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgement of the Board such building and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. Campus parking plan should be presented at the hearing. Lot for proposed use is abutting residential district.
2. 341.02 Review and approval of the Cleveland Landmarks Commission is required. (Filed July 17, 2019)

9:30

Calendar No. 19-177:

4133 W. 158 Street

Ward 17

Martin J. Keane

Mike Tabanji, owner, proposes to build a 793 square foot wood frame single story garage on a 5,000 square foot lot in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 337.23(a)(6)(A) which states that in a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty square feet unless the lot area exceeds four thousand eight hundred square feet (4,800) in which event the floor area may be increase in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area. The maximum accessory garage allowed in 667 square feet and 793 square feet are proposed. (Filed July 18, 2019)

POSTPONED FROM JUNE 10, 2019

9:30

Calendar No. 19-47:

6007 Ellen Ave.

Ward 15

Matt Zone

Petru Stinea, owner, proposes to erect an 11' x 20' one story aluminum carport/patio to an existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

7. Section 337.23(a) which states that all parking spaces shall be located on the rear half of the lot (35 feet back)
8. Section 349.05(a) which states that no parking shall be located within 10 feet of any wall of a residential building that contains ground floor windows.
9. Section 357.09(b)(2)(B) which states that the required interior side yard is 3 feet and the appellant is proposing 2 feet 7 inches. (Filed March 22, 2019-Testimony taken)*SECOND POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH LANDMARKS COMMISSION. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE LANDMARKS COMMISSION TO ALLOW FOR FURTHER REVIEW.*

POSTPONED FROM JULY 1, 2019

9:30

Calendar No. 19-123:

10801 Grandview Ave.

Ward 6

Blaine A. Griffin

Greater Cleveland Habitat for Humanity proposes to erect a 1 and ½ story single family residence with a detached garage on a Cuyahoga County Land Bank Lot in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that accessory garages shall not be less than 18 inches from all property lines and the appellant is proposing zero and 6 inches plus 1 inch for the roof eaves.
2. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit.(Filed May 30, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH CITY PLANNING COMMISSION.*

9:30

Calendar No. 19-124:

10805 Grandview Ave.

Ward 6

Blaine A. Griffin

Greater Cleveland Habitat for Humanity proposes to erect a 1 and ½ story single family residence with a detached garage on a Cuyahoga County Land Bank Lot in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that accessory garages shall not be less than 18 inches from all property lines and the appellant is proposing zero and 6 inches plus 1 inch for the roof eaves.
2. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed May 30, 2019-No Testimony) FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH CITY PLANNING COMMISSION.

9:30

Calendar No. 19-125:

10823 Grandview Ave.

Ward 6

Blaine A. Griffin

20 Notices

Greater Cleveland Habitat for Humanity proposes to erect a 1 and ½ story single family residence with a detached garage on a Cuyahoga County Land Bank Lot in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that accessory garages shall not be less than 18 inches from all property lines and the appellant is proposing zero and 6 inches plus 1 inch for the roof eaves.
2. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed May 30, 2019-No Testimony) FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH CITY PLANNING COMMISSION.

9:30

Calendar No. 19-126:

10907 Grandview Ave.

Ward 6

Blaine A. Griffin

Greater Cleveland Habitat for Humanity proposes to erect a 1 and ½ story single family residence with a detached garage on a Cuyahoga County Land Bank Lot in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that accessory garages shall not be less than 18 inches from all property lines and the appellant is proposing zero and 6 inches plus 1 inch for the roof eaves.
2. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed May 30, 2019-No Testimony) FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH CITY PLANNING COMMISSION.